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## REAL PROPERTY.

*Estates—Life Tenant—Oil Lease.*—*Marshall v. Mellon et al.*, 36 Atl. 201 (Pa.). Oil is a mineral (*Frink v. Haldeman*, 53 Pa. St. 229); also gas (*Blakeley v. Marshall*, 174 Pa. St. 425, 18 Atl 725); and so a part of the realty. A life-tenant, therefore, has no authority to lease lands, never theretofore used for the purpose, with right to tenant to extract oil and gas.

*Homestead—What Constitutes—Intention to Occupy.*—*King v. Wright*, 38 S. W. Rep. 530. No title is conveyed by a sale of land under an execution, levied before a house was built on said land, since the owner, owning no other real estate, had had for several years the intention to build upon same, and hence the land bore the homestead character.

*Double Taxation—Taxing Landlord on Rental.*—*Kennard v. City of Manchester*, 36 Atl. Rep. 553 (N. H.). Taxing a landlord on capital estimated sufficient to produce an income equal to the net rental, the tenant also paying a tax on the property itself as a part of the rental, is in effect a double tax on the property and illegal.

## MISCELLANEOUS.

*Mandamus to Canvassers of Election.*—*Baker v. Board of State Canvassers*, 69 N. W. Rep. 656 (Mich.). A writ of mandamus will not be granted to compel a board of canvassers of an election to give certain candidates credit for votes cast for them which have been rejected because irregular, it appearing that neither the election of any of the candidates nor the relative position of the candidates' party on the official ballot of the next general election would be affected thereby. The writ is a discretionary one and will not issue to compel an idle ceremony.

*Injunctions Against State Officers.*—*Scott et al. v. Donald*, 17 Supreme Court Rep. 262. When one brings an action for compensation or injunction against State officers acting under color of an unconstitutional statute and committing acts of wrong and injury to the property of the plaintiff, such an action is not in violation of the 11th amendment of the Constitution of the U. S.

*Conflict of Statute with State Constitution—Decision of State Court—Prepared Case*—"Nichols Law"—*Validity—Taxation of Express Companies.*—*Sanford v. Poe, Ohio State Auditor, et al., Fargo v. Same,*